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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,349	07/30/2003	John P. Fallon	2003-0025-02	1923

7590 11/02/2004  
Albert P. Cefalo and William Cray  
Cymer, Inc. Legal Dept. MS/4-2C  
17075 Thornmint Court  
San Diego, CA 92127

EXAMINER
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VY, HUNG T

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,349

Applicant(s)

CYBER

Examiner

Hung T Vy

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on preliminary filed on 5/06/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-91 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Election/Restrictions**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1, drawn to a gas discharge laser, classified in class 372 subclass 54.
  - II. Claim 2-4, drawn to a gas discharge laser, classified in class 372, subclass 54.
  - III. Claims 5-20, drawn to a method of operating a gas discharge excimer laser, classified in class 372, subclass 54.
  - IV. Claim 21, drawn to drawn to a method of operating a gas discharge excimer laser, classified in class 372, subclass 54.
  - V. Claim 22, drawn to drawn to a method of operating a gas discharge excimer laser, classified in class 372, subclass 54.
  - VI. Claim 23, drawn to drawn to a method of operating a gas discharge excimer laser, classified in class 372, subclass 54.
  - VII. Claims 24-57, drawn to drawn to a gas discharge timing control system, classified in class 372, subclass 54.
  - VIII. Claims 58-91, drawn to a timing control method for two chambered gas discharge laser system, classified in class 372, subclass 54.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, IV and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention has separate utility such as delay command unit, pulse sensor, dithering, timing unit control, a primary layer of control, secondary layer, a fire control command module, a first light out detection mechanism, a correlating mechanism, a fire control processor. See MPEP § 806.05(d).

Inventions I, II, III, IV, V, VI, VII and VIII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, unpatentabilities of the groups I, II, or VII invention would not necessarily imply unpatentability of the group III, IV, V, VI or VIII invention, since the device of the invention groups III, IV, V, VI or VIII could be made by other and can be different system from those of the groups I, II, or VII invention, for example, in the claim 5, wherein a primary layer of control can be use in different system. Further, group V requests different step with group III, IV, V, VI and VIII. Group IV requests different step with group III, V, VI and VIII. Group VI requests different step with group III, IV, V and VIII. Group VIII requests different step with group III, IV, V, and VI.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields

of search are not co-extensive. Therefore, separate examination would be required and restriction for examination purposes as indicated is proper.

### **Conclusion**

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/631,349  
Art Unit: 2821

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Hung T. Vy  
Art Unit 2821

**October 20, 2004**

WILSON LEE  
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "Wilson Lee".

WILSON LEE  
PRIMARY EXAMINER